The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN ROUNDTREE
AND CRAIG G. EISLER

Appeal No. 2006-2367
Application No. 09/783,608

ON BRIEF

Before HAIRSTON, KRASS, and HOMERE, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-20.

The invention pertains to a method and apparatus for rendering data using rendering instructions based upon concept identifiers for the data.

Representative independent claim 1 is reproduced as follows:

1. A method for rendering data on a user device comprising:

receiving the data at the user device along with one or more concept identifiers identifying a plurality of rendering instructions;

retrieving the rendering instructions based at least in part on one or more the concept identifiers; and

rendering the data on the user device, using the rendering instructions.

The examiner relies on the following references:

Hu et al. (Hu) 5,748,188 May 5, 1998

Lee et al. (Lee), "RFC 1866 Hypertext Markup Language 2.0", Network Working Group, pp.39-45, November 1995.

Claims 1, 5-11, and 15-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Hu.

Claims 2-4 and 12-14 stand rejected under 35 U.S.C. § 103 as unpatentable over Hu in view of Lee.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could

practice the invention without undue experimentation. In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Taking independent claim 1 as exemplary, the examiner cites column 23, lines 46-58, of Hu as teaching receiving data at a user device along with one or more concept identifiers identifying a plurality of rendering instructions. It is the examiner's position that Hu's graph attributes are the claimed "concept identifiers."

The examiner cites the same portion of Hu, in addition to column 26, line 34, through column 27, line 18, for the claimed retrieving the rendering instructions based at least in part on one or more of the concept identifiers. The examiner finds that Hu's generation of program instructions for the object are the claimed "rendering instructions" and that these instructions are retrieved based at least in part on the graph attributes in Hu.

Finally, the examiner cites column 23, lines 56-68, and column 26, line 61 et seq., of Hu for the claimed "rendering the data on the user device, using the rendering instructions." The examiner finds that the display of the graph on the user device in Hu is the claimed "rendering the data..."

Appellants argue that Hu fails to anticipate the instant claimed invention because the graph attributes of Hu may not be equated with the instant claimed "concept identifiers" (principal brief-page 4). As a further explanation, appellants indicate in the reply brief that the graph attributes of Hu merely specify properties of a graph to be rendered such as a graph's "width," "height," and so forth, but that this does not inherently teach identification of various instructions to be invoked to render graphs with different attributes. Appellants indicate (reply brief-pages 1-2) that the same set of instructions can be used to render both a graph having width W and length L and a graph having width 2W and length 2L, by simply looping through the same instructions twice to generate twice the number of pixels. "Thus, Hu's graph attributes do not anticipate the required 'concept identifiers', which 'identify' rendering instructions to be 'retrieved' and 'executed,' as set forth in claim 1 of the present application" (reply brief-page 2).

We agree with the examiner and will sustain the rejection of claim 1 under 35 U.S.C. § 102(e).

Clearly, since Hu pertains to graphical data transmitted from a server to a client computer, the reference receives data at a user device. Also, since the

graphical data is parsed and an object representative of the graph is then formulated for displaying the graph, there is also, clearly, a rendering of the data on the user device.

At the user device, the received data is parsed into graph attributes and graph data. The graph attributes indicate a graph type, a graph dimension, etc. while the graph data includes the data to be displayed. Since the graph attributes are indicative of what type and/or size graph will be displayed, it is clear to us that such graph attributes may be considered "concept identifiers," as claimed. This is so because the graph attributes are determinative of how the graph will be rendered on the display. Therefore, these graph attributes are "concept identifiers" since they identify a plurality of rendering instructions, i.e., the instructions by which the graph will be displayed, as in will the graph be large or small, wide or narrow, etc.?

In order to actually display the particular graph in Hu, clearly the instructions needed for the rendering must be retrieved and it will be based on the graph attributes, or "concept identifiers," in order for the display to know how to display the particular graph.

Of course, the final display of the graph on the user device in Hu is the "rendering the data on the user device, using the rendering instructions," as claimed.

Since appellants do not separately argue the specifics of any other claim apart from the limitations of claim 1, we will sustain the rejections of claims 1, 5-11, and 15-20 under 35 U.S.C. § 102(e) and of claims 2-4 and 12-14 under 35 U.S.C. § 103.

The examiner's decision is affirmed.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KENNETH W. HAIRSTON
Administrative Patent Judge

ERROL A. KRASS
Administrative Patent Judge

JEAN R. HOMERE
Administrative Patent Judge

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